

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL 2804

Case No. 17-md-2804

THIS DOCUMENT RELATES TO:

Judge Dan Aaron Polster

ALL CASES

**DECLARATION OF PLAINTIFFS' LIAISON COUNSEL PETER H. WEINBERGER
IN SUPPORT OF THE PEC'S AND PLAINTIFFS SUMMIT AND CUYAHOGA
COUNTIES' AGREED MOTION FOR PAYMENT OF SUMMIT/CUYAHOGA
HOLDBACK INTO MDL NO. 2804 COMMON BENEFIT FUND AND FOR
REIMBURSEMENT TO PEC OF CT 1 BELLWETHER LITIGATION COSTS**

1. I, Peter H. Weinberger, am Co-Liaison Counsel for the Plaintiffs' Executive Committee (PEC) in the National Opiate Litigation, MDL 2804.
2. As Co-Liaison Counsel, one of my responsibilities is to manage the PEC's MDL litigation Capital Account which collects assessments from the 21 law firms who are PEC members and to pay litigation expenses incurred by those law firms in representing MDL plaintiffs and in particular plaintiffs which are selected for bellwether trials.
3. In my role, I review every invoice for accuracy, reasonableness, and its relation to the litigation. All invoices are also reviewed and approved by the PEC's Co-Leads.
4. I have reviewed all invoices incurred in anticipation of, and in preparation for, the CT 1 trial which settled at the courthouse doors in October, 2019.
5. The categories of litigation expenses and the amounts incurred in this regard include the following:
 - a. cost of retrieval, storage, and review of documents produced by the CT 1 bellwether plaintiffs: \$5,149,117.60.

- b. deposition costs associated with depositions of CT 1 bellwether witnesses (excluding depositions of defendants' employees): \$159,033.45.
 - c. plaintiffs' expert fees (incurred prior to the CT1 settlement which includes generic and bellwether specific opinion work, reports, and deposition testimony): \$8,387,214.15.
6. The foregoing costs total \$13,695,365.20 in out-of-pocket expenses advanced and dedicated to the prosecution, discovery, and trial preparation of the CT1 (Summit and Cuyahoga Counties) bellwether cases.
7. I am submitting the details of these costs for purposes of seeking reimbursement to the PEC of only a portion of these costs in an amount not to exceed \$7,100,000 (i.e. 2.5% of \$284,000,000). It is my understanding that those costs not reimbursed pursuant to the Order approving the motion will be submitted for reimbursement from future Opioid case settlements.

* * *

I declare under penalty of perjury of the laws of Ohio and the United States that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed in Cleveland, Ohio on this 17th day of June 2021.

s/Peter H. Weinberger
Peter H. Weinberger
Plaintiffs' Liaison Counsel